



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

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May 21, 2015

Franchise Signs International
c/o Debbie Wilkins
1205 Gracewood Drive
Greensboro, NC 27408

RE: V15-25 / Denny's Corporation / 258 Retail Circle

Dear Ms. Wilkins,

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning the above referenced variance petition for variance relief from Article 1369 as it relates to signage at 258 Retail Circle. The decision is as follows:

Board of Zoning Appeals, May 20, 2015:

1. Each of the Findings of Fact was found in the positive as stated in Addendum A of this letter.
2. The Board approved a 104.24 square foot variance from the related maximum wall sign standards so that the four (4) proposed wall signs may be developed.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the petitioner. The above referenced approval is set to expire in twelve (12) months unless you can demonstrate that it has been activated as evidenced by permits, construction, or required licenses.

This expiration deadline may be extended to eighteen (18) months upon prior written request of the Board. Please note that building permits must be obtained prior to the commencement of work for which variance relief was granted herein.

Should you have any questions or require further clarification, please contact the undersigned. We look forward to serving your plans review and permitting needs.

Respectfully,

Stacy Hollar
Executive Secretary

ADDENDUM A – Approved Findings of Fact

V15-25 / Denny's Corporation / 258 Retail Circle

Finding of Fact No. 1 – The variance will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents, because:

As a nationally recognized restaurant organization Denny's contributes to the welfare of the community, adjacent businesses and residents by providing employment to local residents, food service to potential customers and those employed by adjacent businesses. Proposed signage is professionally manufactured based on current UL standards and install based on standard building codes to ensure safety and welfare of the community.

Finding of Fact No. 2 – The variance arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance, because:

The subject property is a low lying area with limited visual exposure to the N & NE due to natural topographical obstruction. This limited exposure creates the need to maximize visibility to the potential customer given the heavily auto-dependant nature of the development.

Finding of Fact No. 3 – The variance will eliminate an unnecessary hardship and permit a reasonable use of the land, because:

The increased visibility provided by variance approval should reduce the affect of natural topographical obstructions, contributing to the on-going success of a newly established business and the success of the overall development community.

Finding of Fact No. 4 – The variance will allow the intent of the zoning ordinance to be observed and substantial justice done, because:

The purpose of Morgantown's zoning ordinance is to encourage the effective use of signs as a means of communication. Nationally recognized branding via tenant signage contributes to business success and is in keeping with the City's goal to attract continued economic investment in the community.